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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
15898D1C-US

In re Application of: Terence Daniel Pickett

Application No.: 10/688,553

Filed: 10/17/2003

For: METHOD AND SYSTEM FOR AUTOMATED TRACING OF AN AGRICULTURAL PRODUCT

The owner, Danco & Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,671,898 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 38,444



Signature

3/4/05  
DateDarin E. Berthelomow  
Typed or printed name309-765-5613  
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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For the foregoing reasons, the Applicants respectfully request a withdrawal of the rejection of claims 1, 15, and 24 under 35 U.S.C. 103(a) and allowance of claims 1, 15, and 24. Further, because claims 2-10 and 12-14 depend upon claim 1, claims 2-10 and 12-14 are patentable for at least similar reasons to claim 1. Because claims 16-23 depend upon claim 15, claims 16-23 are patentable for at least similar reasons to claim 15. Because claims 25-27 and 29-37 depend upon claim 24, claims 25-27 and 29-37 are patentable for at least similar reasons to claim 15.

Claims 6 and 13 are amended to correct minor informalities and not to overcome any cited prior art.

Therefore, all pending claims are believed to be in suitable condition for allowance and such allowance is respectfully solicited.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525, including the applicable fee under 37 C.F.R. 1.20(d) of \$ 130 for submission of the enclosed terminal disclaimer

Respectfully submitted,

  
Attorney for Applicant(s)

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